

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Stephanie George,

Defendant

Case No.: 2:20-cr-00009-JAD-VCF-1

**Order Denying Motion to Reduce Sentence
under Amendment 821**

[ECF No. 193]

Defendant Stephanie George is serving a roughly seven and a half-year sentence for conspiring to distribute methamphetamine. She moves for a sentence reduction based on recent changes to the sentencing guidelines known commonly as Amendment 821. Her counsel at the Federal Public Defender's office, appointed under General Order 2023-9, filed a notice of non-eligibility, disagreeing with George's pro se calculations.¹ Because George does not qualify for a sentence adjustment under these changes, I deny her motion.

Discussion

The Sentencing Commission submitted criminal-history amendments to Congress in May 2023, they took effect in November 2023, and courts may apply them retroactively beginning in February 2024.² In her pro se motion, George argues that she is entitled to a sentence reduction under the change added to the guidelines as § 4A1.1, which reduces the impact of "status points" on a sentence.³ Status points are additional criminal-history points applied to a defendant who committed her crime of conviction while under another criminal-justice sentence. Because the

¹ ECF No. 196 (notice of non-eligibility).

² Sent'g Guidelines for U.S. Courts, 88 Fed. Reg. 60534, 60534 (Sept. 1, 2023).

³ ECF No. 193.

1 Commission found that status points are less reliable indicators of rearrest, these changes allow
2 courts to depend less on status points to determine criminal history.⁴ A defendant with seven or
3 more criminal-history points may receive a one-point reduction in her status points, while a
4 defendant with six or fewer criminal-history points may have her status points eliminated for
5 committing her offenses while under a criminal-justice sentence.⁵ A court may reduce a
6 defendant's sentence based on this amendment if her "term of imprisonment [was] based on a
7 sentencing range that has subsequently been lowered by the Sentencing Commission [under]
8 28 U.S.C. § 994(o) . . . after considering the factors set forth in section 3553(a) . . . if such a
9 reduction is consistent with applicable policy statements issued by the Sentencing
10 Commission."⁶

11 George contends that she is eligible for a sentence reduction based on this amendment,
12 her successful completion of the drug-abuse-treatment program, and her good behavior.⁷ She
13 was sentenced with 16 criminal-history points, but as the government points out in its response,
14 no extra status points were added because she did not commit her current offenses while under a
15 criminal-justice sentence from her prior convictions.⁸ It's impossible to reduce her status points
16 under § 4A1.1 when she did not receive any. And although George's success in the treatment
17 program is encouraging, it does not entitle her to a sentence reduction. So because this
18 amendment does not apply to George, I deny her motion with prejudice.

20 ⁴ *Id.* at 60535–36; *see also* U.S. Sent'g Comm'n, *Revisiting Status Points* (2022),
21 [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2022/20220628_Status.pdf)

22 ⁵ Sent'g Guidelines for U.S. Courts, 88 Fed. Reg. 60534, 60535 (Sept. 1, 2023).

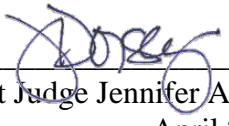
23 ⁶ 18 U.S.C. § 3582(c)(2) (cleaned up).

⁷ ECF No. 193-1.

⁸ Presentencing Investigation Report at 24; ECF No. 196.

Conclusion

IT IS THEREFORE ORDERED that Stephanie George's motion for a sentence reduction under Amendment 821 [ECF No. 193] is **DENIED** with prejudice.



U.S. District Judge Jennifer A. Dorsey
April 22, 2024